

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

Minutes
27/28 January 2005
467th Regular Meeting
Central Valley Regional Water
Quality Control Board

THURSDAY, 27 JANUARY 2005

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Christopher Cabaldon, Lucille Palmer-Byrd, Members.

STAFF PRESENT

Tom Pinkos, Ken Landau, Jack DelConte, Jim Pedri, Frances McChesney, David Coupe, Wendy Wyels, Dennis Westcot, Bill Croyle, Bert Van Voris, JoAnne Kipps, Les Grober, Mark Gowdy, Anne Olson, Alex Baillie, Guy Childs, and Janice Tanaka

OTHERS PRESENT

Joseph Franck, Californians Aware
Warren Tellefson, CVCWA
Bill Jennings, DeltaKeeper
Dennis Leilaim, Musco Family
John Guest, Synagro West
Ross Oliveira, Morning Star
Cleve Dufer, Bureau of Reclamation
Larry Russell, Putah Creek
Chris Rufer, Morning Star
Janna Herren, DFG
Carol Oz, DFG

Tim O'Laughlin
Monica Eicher, Army Corp
Byron Buck, San Joaquin County
Jeff Scharff, Morning Star
Hilary Reinhard, Davids Engineering
Dan Fisher, Fruit Growers Supply Co,
Barry Boulton, Ebbetts Pass Forest
Niel Fischer, CA Forestry Assoc
Brian Staab, N.S. Forest Service
Paul Mason, Sierra Club

EXECUTIVE OFFICER'S REPORT

Tom Pinkos discussed the Mozzarella Fresca Cheese in Tipton discharge. The processing plant had started discharging September 2003 without WDRs. Staff is working on WDRs. The facility has been notified it is violation of the Water Code.

Mr. Pinkos also mentioned the Nicollette Exxon above ground tank cleanup site. There are environmental justice issues with this cleanup. A meeting regarding the site is scheduled for 3 February. An updated report will be prepared following the 3 February meeting.

The Executive Officer informed the Board that he had issued a \$4 million ACL against Hilmar Cheese on 26 January.

Karl Longley asked for an update on the hiring of staff. Mr. Pinkos reported that we were actively recruiting for all vacant positions.

Mr. Longley congratulated the Executive Officer and the Fresno staff for the receipt of the US BLM Director's Award.

BOARD MEMBER COMMUNICATION

Mr. Longley announced his resignation from Fresno State College as of November 28, 2004.

Mr. Brizard suggested holding a brainstorming session on how the Board staff could improve answering of the telephones at the Board. It is good now, but could be better. The Chair advised Mr. Brizard to work directly with the Executive Officer on the issue.

Mr. Cabaldon reported he is no longer a member of the Sacramento County Sanitation District Board due to a change in State law, so he has no direct conflict of interest on CSD issues. He will, however, be involved in appointment of West Sacramento representatives to the CSD, and may be involved in future decisions by West Sacramento regarding the CSD, so will discuss those potential conflicts with legal counsel.

PUBLIC FORUM

Bill Jennings, DeltaKeeper, et al, stated that despite the specter of Hilmar Cheese, Hilmar would not make his top 100 list of violators. Hilmar does demonstrate the problem of lack of staff resources. Shifting all work to enforcement is not a solution. There is reluctance of Regional Board middle management to take strong enforcement for fear of harming future promotion opportunity. The Board members send mixed messages on enforcement by reducing ACLs. Violators can't be candled, and serious water quality problems can't become mired in lengthy stakeholder processes. Swift enforcement is needed. Tom Pinkos is a good EO, with enforcement increasing under Tom as well as under Gary Carlton. The Board could do worse with another EO, but it would be hard to do better. The Fresno staff should be acknowledged for their good work in documenting the Hilmar violations. A strong enforcement message from the Board is needed.

Warren Tellefson of the Central Valley Clean Water Association reported that Association members had held a meeting with Board staff on concerns about the Triennial Review process. Suggested improvements have been submitted. They hope to participate in process improvements when Triennial Review is complete. Will participate in Triennial Review to address Basin Plan concerns. Al Brizard asked what issues were of concern. Mr. Tellefson responded that most issues of concern are Basin Plan issues.

OTHER BUSINESS

The October 2004 and December 2004 minutes were approved as written.

Appointment of Nominating Committee for Chair and Vice Chair

The Board appointed Christopher Cabaldon and Lucille Palmer-Byrd to the committee.

Closed session to evaluate the performance of its Executive Officer and other employees relative to the operation of the Fresno Office. Authorized by Government Code Section 11126 (a).

The Board met in closed session.

Following the closed session, the Chair announced:

We reviewed the performance of our Executive Officer and this Board expressed its confidence in his leadership

As a result of our discussion of the Executive Officer's performance, the Board is directing its Executive Officer to prepare a written report reviewing the organizations enforcement and communications policies. This discussion will be undertaken in an open noticed meeting.

The Board takes very serious its mission to protect water quality. We choose to do this in open session at our March Board Meeting.

UNCONTESTED CALENDAR

City of Plymouth and Roy Mason, City of Plymouth Wastewater Treatment Plant, Amador County – Consideration of a Cease and Desist Order

A public hearing was held. No one appeared to contest the proposed order.

R5-2005-0006 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved by roll call vote.

~~**United Auburn Indian Community, Auburn Rancheria Casino Wastewater Treatment Plant, Placer County – Consideration of NPDES Permit Revision and Cease and Desist Order**~~

This item was removed from the agenda. It will be heard at a future Board Meeting.

Lake County Sanitation District, Kelseyville County Water Works District No. 3, Lake County – Consideration of a Cease and Desist Order

A public hearing was held. No one appeared to contest the proposed order.

R5-2005-0007 MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved by roll call vote.

Uncontested NPDES Permits

- | | | |
|---------------------|----|---|
| R5-2005-0008 | a. | Sierra Pacific Industries, Camino Lumber Mill, El Dorado County |
| R5-2005-0009 | b. | Planada Community Services District, Wastewater Treatment Facility, Merced County |
| R5-2005-0010 | c. | Sewerage Commission-Oroville Region, Waste Water Treatment Plant, Butte County |
| R5-2005-0011 | d. | South Feather Water and Power Agency, Miners Ranch Water Treatment Plant, Butte County |
| R5-2005-0012 | e. | Indian Valley Health Care District, Geothermal Space Heating System, Plumas County |
| R5-2005-0013 | f. | U.S. Department of Interior, Fish and Wildlife Service, Livingston Stone National Fish Hatchery, Winter Run Rearing Facility, Shasta County |
| R5-2005-0014 | g. | Modoc Joint Unified School District, Geothermal Project, Modoc County |
| R5-2005-0015 | h. | Rio Alto Water District, Lake California Wastewater Treatment Plant, Shasta County |
| R5-2005-0016 | i. | Union Pacific Railroad Company, Dunsmuir Railyard, Siskiyou County |
| R5-2005-0017 | j. | The Boeing Company, Interim Groundwater Extraction and Treatment Systems, Inactive Rancho Cordova Test Site, Sacramento County |
| R5-2005-0018 | k. | The Boeing Company, Southern Groundwater Study Area Extraction and Treatment System, Inactive Rancho Cordova Test Site, Sacramento County |

A public hearing was held. No one appeared to contest the proposed order.

MOTION: By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved as amended.

Uncontested Change of Name and/or Ownership

- a. John Van Curen, Franzia/McFarland, Kern County
- b. City of Bakersfield, Recycling Project, Kern County
- c. Orland Sand and Gravel Corporation, Glenn County
- d. Oroville Jacobs, Antelope Service Center, Tehama County
- e. Forest Springs Mobile Home Community, Alfred F. Tucker, James H. Tucker, and Jerald A. Tucker, DBA Forest Springs Associates, Nevada County
- f. Southern Estates LLC, Sandy Point MHP, Fresno County

- g. Northwood Vineyards LLC, Reclamation Field, Fresno County
- h. O'Neill Beverages Co., LLC, O'Neill Vintners & Distillers, Fresno County
- i. Weston, Bernard & Laurie, The Lost Sierras Mobile Park, Yuba County
- j. Dole Packaged Frozen Foods, Inc., Atwater Frozen Food Plant, Merced County
- k. Booth Ranches, LLC, Citrus Packing Facility, Fresno County
- l. Mathews Ready Mix, LLC, Anderson Plant, Shasta County
- m. Carneros Energy, Inc., Bradford Lease, Semitropic Oil Field
- n. Carneros Energy, Inc., BBJ – Bamb Lease, Semitropic Oil Field, Kern County
- o. Carneros Energy, Inc., Bradford B Lease, Semitropic Oil Field, Kern County
- p. Carneros Energy, Inc., Chapman – BHM Lease, Semitropic Oil Field, Kern County
- q. Carneros Energy, Inc., Supreme Lease, Semitropic Oil Field, Kern County
- r. Carneros Energy, Inc., Williams-Elliott 15 Lease, Semitropic Oil Field, Kern County
- s. Carneros Energy, Inc., Williams-Elliott 24 Lease, Semitropic Oil Field, Kern County
- t. Baldwin Contraction Company Inc., Stony Creek Plant, Glenn County
- u. DNC Parks & Resorts at Tenaya Inc., Mariposa County
- v. Burney Forest Products, A Joint Venture, Big Valley Lumber Company, and Fruit Growers Supply Company, Burney Sawmill-Cogeneration Facility, Shasta County
- w. O'Neill Beverages Co., LLC, O'Neill Vintners & Distillers SI, Fresno County
- x. Yolo County Public Works Department, Wild Wings Water Recycling Facility, Yolo County
- y. Dairy Farmers of America Inc., Glenn Milk Plant, Glenn County, Order No. R5-2002-0161

A public hearing was held. No one appeared to contest the proposed order.

R5-2005-0019

MOTION:

By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

Uncontested Rescissions

- a. Drilling and Production Company, SCT Lease, Tejon Oil Field, Kern County
- b. Loren F. Vinson Livestock, Inc., Tehama County
- c. Woolery Livestock Transportation, Inc., Shasta Livestock Auction, Inc., and Robert Jones, Shasta County
- d. William M. Oliveira Dairy, Section 20, T18S, R20E, MDB&M, Kings County
- e. William Baker and Leland Baker Trust, Baker Brothers Ranch, Tulare County
- f. Weir Floway, Inc., Groundwater Cleanup System, Fresno County
- g. Baltimore Aircoil Company, Inc., Groundwater Cleanup System, Merced County
- h. Big Hill Logging and Road Building, Inc., Gridley Log Yard, Butte County
- i. Terra Linda Farms, Vegetable Packing Facility, Fresno County
- j. Spanish Creek Aggregates, Inc., Quincy Gravel Operation and Hale Charlton, Plumas County
- k. City of Modesto, Grayson Park Well 295, Stanislaus County
- l. Shasta Paper Company, Inc., Shasta County
- m. Dan Garcia, Curtis Gray, Yuba River Properties, and Dan Garcia Sand and Gravel, Yuba County
- n. Fernand Larranaga dba Larranaga Trucking, Larranaga Pit and Alturas Ranches, LLC, Modoc County
- o. California Department of Fish and Game, Lake Davis Detonation Cord Project, Plumas County
- p. Plains Exploration & Production Company, Cagle-USL Lease, Coalinga-East Extension Oil Field, Fresno County
- q. Kipling Korth, Kim Korth Stumph and Thomas Stumph, Korths Pirate Lair, Sacramento County,

A public hearing was held. No one appeared to contest the proposed orders.

R5-2005-0020

MOTION:

By Mr. Longley, seconded by Mr. Brizard to approve the proposed order. Unanimously approved.

Uncontested Waste Discharge Requirements

- R5-2005-0021** a. California Department of Corrections, Groundwater Extraction and Treatment System, California Correctional Institution Tehachapi, Kern County
- R5-2005-0022** b. Collins and Aikman Products Company, Former Wickes Forest Industries Site, Enhanced Insitu Remediation Pilot Study, Elmira, Solano County

R5-2005-0004 MOTION: By Mr. Cabaldon, seconded by Mr. Longley to adopt the resolution as amended. Unanimously approved.

BASIN PLANNING

Amendments to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control of Factors Contributing to the Dissolved Oxygen Impairment in the Stockton Deep Water Ship Channel – *Consideration of a Resolution to Adopt a Proposed Basin Plan Amendment*

A public hearing was held. Mark Gowdy presented the staff report. Additional testimony was given by Tim O’Laughlin, Monica Eicher, Byron Buck, Bill Jennings and David Guy.

R5-2005-0005

MOTION:

By Mr. Longley, seconded by Mrs. Palmer-Byrd to adopt the resolution. Unanimously approved.

Election of Chair and Vice Chair for 2005

The nominating subcommittee, Christopher Cabaldon and Lucille Palmer-Byrd, nominated Robert Schneider as Chairman and Karl Longley as Vice Chairman. The Board approved the nominations unanimously.

The Board adjourned to the Friday session at 3:50 pm.

FRIDAY, 28 JANUARY 2005

BOARD MEMBERS PRESENT

Robert Schneider, Chair, Karl Longley, Vice Chair, Alson Brizard, Lucille Palmer-Byrd, Members.

BOARD MEMBERS ABSENT

Christopher Cabaldon

STAFF PRESENT

Tom Pinkos, Ken Landau Jack DelConte, Frances McChesney, Catherine George, David Coupe, Bill Marshall, Bill Croyle, Bert Van Voris, Sue McConnell, Molly White, and Janice Tanaka

OTHERS PRESENT

Frank Alegre, Frank Alegre Trucking
John Hendlee, US Army Corps
Bill Jennings, DeltaKeeper
Jeffrey Gibson, Amador Water Quality
Parry Klasson, East SJ Water Quality Coalition
David Cory, SJ River Exchange Contractors
Joe McGahan, Westside Coalition
Christine Turner, Placer County Ag Commissioner
Roger Ingram, UC Corporation Extension
Bill Thomas, South SJ Water Quality Coalition
Tony Francois, CA Farm Bureau
Wayne Zipser, CA Farm Bureau
John Meek, SJ & Delta Water Quality Coalition
Lowell Robinson, Robinson & Sons
Paul Boch, Nevada County
Robin Sutherland, Nevada County
Les Harder, DWR
Frank Carl, Sacramento County
John Kramer, Condor Earth Technologies
Tom Stephens, Merced Irrigation District
Kathy Brunetti, DPR

Brent Lamkin, DWR
John Chandler, Senator Jeff Denham’s Office
Robert ter Kuile, Frito-Lay, Inc.
Bud Sexton, Assemblyman Dave Cogdill
Rich Stowell, Eco;Logic
Dan Hinrichs, El Dorado Winery
Benjamin Hall, Musco Family Olive
Bill Lyons, Mapes Ranch
Sonya Harrigfeld, Stanislaus County
Nat Dellavalle, Stanislaus County
Jan Ennenga, Manufacturers Council
Eric Stein, Wine Institute
Ed Yates, CA League of Food Processors
Jeff Palsgaard, Merced County
Ron Crites, Brown and Caldwell
Donald Ikemiya, Provost & Pritchard
Paul Fanelli, Patterson Frozen Foods
Drew Scott, Woodbridge Winery
Dan Burgard, Cascade Earth Sciences
Dennis Gudgel, Stanislaus County
Eric Wang, Sunkist Growers

Brian Dunning, Campbell Soup Co.
Josh Nichols, Del Monte
Osman, Aly, Campbell Soup Co.
Ivo Sahagun, Unilever
Martin Reyes, Stanislaus Co. Food Processors
Paul Sheldon, Stanislaus Food Products
John Guest, Synagro West
Mike Brannen, Bolthouse Farms
Elaine Trevino, Mapes Ranch
Steven Bonaker, Imperial Sugar
Andrea Delgado, US Filter
Craig Moon, Patterson Frozen Foods
Wendy Lee, Wine Institute
Bill Lyons, Lyons Investments
James Marnatti, Foster Poultry Farms
Dennis Lakun, Musco Family Olive
Dutta Lomesh, Kleinfelder Inc.
Patrick Plugge, US Filter
James Mortensen, Del Monte Foods
Mike Jacobsen, Sensient Co.

Amy Hui, EKI
Lori Deutt, Con Agra Foods
L. Denton Hoeh, Stanislaus County
Matt Wheeler, The Wallace Group
Gail Delihant, Assemblyman Greg Aghazarian's Office
Joy Rueb, Zenon Corp
Terry Bartz, Frito Lay Inc.
Debra Liebersbach, Turlock Irrigation District
Richard Ascherius, Port Stockton
Carol Hollingsworth
Vernette Marsh
Elias Chairez
Chris Leininger
Mona Shulman
Karen Griebel
Marcie Churape
Ron Turkiel
Jeff Scharff
Chris Rufer

BOARD MEMBER COMMUNICATION

On December 13-14, Mr. Longley attended the Salinity Conference. Conference attendees included Art Baggett, Chair, SWRCB, and Jose Faria, DWR. Art Baggett described the just published Hilmar article in the Sacramento Bee. He discussed with Jose Faria the possibilities for cooperating with the California Water Institute on research of alternatives for brine stream treatment/disposal.

On January 13, Mr. Longley attended the Upper Kings Water Forum. Stakeholders in Fresno County who principally were representatives of water districts, municipalities, and environmental organizations were attendance. The focus of the meeting was on preparing proposals for Prop 50 funds. No noticed CVRWQCB business was discussed.

On January 14, Mr. Longley was in the Chino Basin and met with Gene Dillahunt (General Manager, EarthRenew Organics), Jeff Davis (Director, Water Institute, California State University, San Bernardino), Susan Longville (Associate Director, Water Institute, California State University, San Bernardino), Robert Feenstra (Executive Director, Milk Producers Council) for the purpose of introducing the EarthRenew Organics technology and to seek a site for demonstrating the technology (see below item regarding the EarthRenew Organics technology).

On January 17, Mr. Longley attended a meeting with Gene Dillahunt (General Manager, EarthRenew Organics), Charles Ahlem (Undersecretary, DFA), and David C. Nunenkamp (Deputy Secretary, DFA). The purpose of the meeting was to acquaint DFA with the EarthRenew technology and seek help in locating a site for demonstrating the EarthRenew technology. Introduced Gene Dillahunt on behalf of the California Water Institute, which is working with Fresno State's Lyles Center for Innovation and Entrepreneurship to find siting and bring EarthRenew's technology online initially as a demonstration unit. EarthRenew's technology provides a new and highly innovative process for handling in an environmentally safe manner the waste products from CAFO operations. The California Water Institute will be performing third party evaluation of emissions from the EarthRenew Organics process.

On January 26, Mr. Longley attended the Livestock Emissions Research Symposium, San Joaquin Valley Air Pollution Control District in Fresno. Individuals with whom I had conversations include Gene Dillahunt (General Manager, EarthRenew Organics), Paul Martin (United Western Dairymen), and Brent Newell, (Center on Race Poverty and the Environment). Briefly discussed some technical aspects of lagoons since some claim they are a major source of air emissions including ammonia. I attended this meeting to gain more information regarding air emissions. However, one unidentified individual commented that it was good that someone from the Regional Board was present so that they could see the range of problems the dairy industry is facing.

Chairman Schneider reported that he and Al Brizard had met with Chuck Ahlem and David Nunenkamp of the Department of Food and Agriculture regarding the irrigated lands program.

OTHER BUSINESS

Regulation of Food Processing Waste Discharges to Land – *Information Item*

Wendy Wyels and JoAnne Kipps presented the staff update. Additional information was given by Ed Yates, Erik Stein, Bill Jennings, Jeff Palsgaard, Sonya Harrigfeld, Jan Ennenga, Nat Dellavalle, Bill Lyons, Vernetta Marsh, John Chandler, Paul Fanelli, Ton Crites, Donald Ikemiya, Bud Sexton, Ron Turkiel, Rich Stowell, Chris Rufer, Jeff Scharff and Dan Hinrichs. This was for the Board's information. There was no action taken.

Discussion of Potential Revisions to the Irrigated Lands Waiver Program - *Information Item*

Bill Croyle presented the staff update. Additional information was given by Robin Sutherland, Paul Boch, John Meek, Tony Francois, Carol Hollingsworth, Bill Thomas, Roger Ingram, Christine Turner, Joe McGahan, David Cory, Parry Klassen, Jeff Gibson, Bill Jennings and Debra Liebersbach. This was for the Board's information. There was no action taken.

Port of Stockton Dredge Material Reuse, Port of Stockton West Complex Dredging Project, and Trapper Slough Levee Project – *Information Item*

Sue McConnell presented the staff update. Additional information was given by Richard Ascherius, Bill Jennings, Les Harder, and John Hendlee. This was for the Board's information. There was no action taken.

The meeting was adjourned at 4:00 p.m.